

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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MARVIN KURT NATION, #141669

§

Plaintiff,

§

versus.

§

2:06-CV-693-ID

§

WILLIE AMBERS, et al.,

§

Defendants.

§

RESPONSE TO COURT'S ORDER FOR KNOWN  
ADDRESS OF DEFENDANT WILLIE AMBERS FOR SERVICE

Comes now the Plaintiff in the above styled matter and makes this response to the Courts order dated on the 26th day of September, 2006, and in response thereto, this Plaintiff shows unto the Court as follows:

1]. The Plaintiff avers that he is incarcerated at the G. K. Fountain Correctional Facility in Atmore, Alabama under the custody and care of Warden Jerry Ferrell.

2]. The Plaintiff avers that at the time of the actions complained of took place, the Defendant Willie Ambers was employed by the Alabama Department of Corrections at the Elmore Correctional Facility.

3]. The Plaintiff avers that at the time of the filing of this complaint, the Defendant Willie Ambers last known address was the Aalabama Department of Corrections Elmore Correctional Facility, Elmore, Alabama 36025.

4]. The Plaintiff avers that at the time of this complained

of matter, the Defendant was employed by the Alabama Department of Corrections, prior to that this Plaintiff has no ideal where the Defendant now resides, however, the Alabama Department of Corrections was responsible for the employment of this Defendant, and gave the Defendant the authority in which he possessed to act under the colors of the seal of this State.

5]. The Plaintiff has learned that this Defendant Willie Ambers was forced into resigning or retiring from the Alabama Department of Corrections, and is not otherwise still employed by the Department of Corrections, however, the Plaintiff avers that the Alabama Department of Corrections is responsible for the actions of this Correctional Officer, and still has the forwarding address of this Defendant which the defendants are now withholding from this plaintiff.

6]. The Plaintiff avers that the Alabama Department of Corrections knows the forwarding address of the Defendant and has otherwise failed to produce the same for service of process.

7]. The Plaintiff avers that the State of Alabama department of Corrections should be ordered by this Honorable Court to either serve the Defendant Willie Ambers with a copy of the complaint, or inform this Court of the forwarding address of the defendant so that service of process can be completed in this action.

Wherefore, this Plaintiff prays that this Honorable Court will reconsider its prior orders denying the appointment of counsel in this matter, and/or in the alternative allow the Plaintiff to commence discovery in this action so that the

Plaintiff can seek the address of the leading defendant Willie Ambers from the Alabama department of Corrections, because it is the Plaintiff claim that the Defendants have willing hide and kept unknown the forwarding address from this Court and the Plaintiff in a deliberate manner so as to overcome and have this matter dismissed.

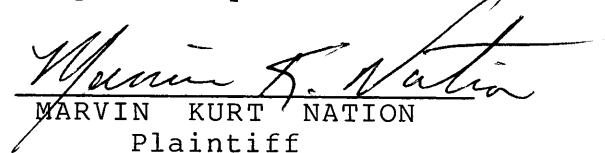
The Plaintiff avers that the Alabama department of Corrections shall be ordered to provide the Plaintiff with the address of the Defendant Willie Ambers, so that the process of service in this civil action can be completed.

The Plaintiff herein request that this Honorable Court reconsider the appointment of counsel in this action, because although the claims may be cut and dry, there are still matters that the Plaintiff is unable to maintain, and which are otherwise complicated that needs the assistance of counsel to complete.

The Plaintiff avers that the present situation is a prime reason for the appointment of counsel in this matter, because the State is now withholding the address and whereabouts of the leading defendant Willie Ambers from the Plaintiff and from this Honorable Court, with the Plaintiff having no avenue for ascertaining the whereabouts thereof, unless this Honorable Court issue specific orders for the Defendants to produce the same.

Done on this the 3rd day of September, 2 0 0 6.

Respectfully Submitted,

  
MARVIN KURT NATION  
Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the Defendants by placing a copy of the same in the United State mail properly stamped and addressed on this the 3rd day of September, 2 0 0 6.

STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
LEGAL DIVISION  
C/O HON. TROY KING, ATTY. GEN.  
1 1 SOUTH UNION STREET  
MONTGOMERY, ALABAMA 36130-0152

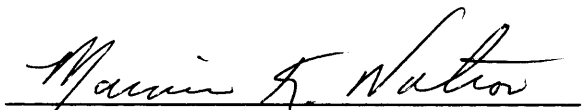
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PRISON HEALTH SERVICE, INC.  
1 0 5 WEST PART DRIVE, Ste. 200  
BRENTWOOD, TENNESSEE 27027

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STATE OF ALABAMA  
DEPARTMENT OF CORRECTIONS  
LEGAL DIVISION  
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